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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,827	03/14/2002	Pankaj K. Garg	10014918-1	2671

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,827

Applicant(s)

GARG ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/6/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as anticipated by Validya

[6,279,113 B1].

2. As per claim 1, Validya discloses A method of tracking hits for a network file comprising the steps of:

receiving a request for said network file from a requesting device [Validya, client devices access to the server, col 1 lines 18-32];

sending said network file to said requesting device in response to said request, said network file including an instruction to transmit an indicator subsequent to said requesting device receiving said network file [Validya, network objects includes applications and files , col 5 lines 47-67; instructions associated with file A, col 7 line 52- col 8 line 39; signature profiles, col 8 lines 16-39];

transmitting said indicator from said requesting device in response to receiving said network file [Validya, triggering, counter and notifies, col 8 lines 16-39]; and

processing said indicator to track said hits for said network file [Validya, a particular file has been accessed ten times in the past twenty minutes, col 9 lines 3-20].

3. As per claim 2, Validya discloses receiving said request includes receiving said request over the global communications network referred to as the Internet [Validya, Internet 22, Fig 1].

4. As per claim 3, Validya discloses a step of including a network address of said requested network file within said indicator, so that said indicator can be identified as corresponding to said requested network file [Validya, a server IP address, col 8 line 57-col 9 line 20].

5. As per claim 4, Validya discloses a step of including a network address of a remote processor within said instruction for navigating said indicator from said requesting device over a network to said remote processor, so that said indicator can be processed [Validya, a server IP address, col 8 line 57-col 9 line 20].

6. As per claim 5, Validya discloses a step of executing said instruction to transmit said indicator by an end-user browser at said requesting device [Validya, Internet 22, Fig 1].

7. As per claim 6, Validya discloses a step of generating said request for said network file at said requesting device [Validya, client devices access to the server, col 1 lines 18-32].
8. As per claim 7, Validya discloses a step of embedding said instruction within said network file, such that said instruction is transparent to an end-user at said requesting device [Validya, network objects includes applications and files , col 5 lines 47-67; instructions associated with file A, col 7 line 52-col 8 line 39].
9. As per claim 8, Validya discloses processing said indicator includes counting said indicator for updating a tally of said hits for said network file [Validya, a particular file has been accessed ten times in the past twenty minutes, col 9 lines 3-20].
10. As per claim 9, Validya discloses receiving said request for said network file includes receiving said request at a proxy (i.e.: router, Firewall), said proxy having cache memory to service said request when said cache memory includes a cached copy of said requested network file, said cached copy having said instruction for transmitting said indicator from said requesting device subsequent to said requesting device receiving said cached copy [Validya, router, firewall, col 5 lines 5-25; client/server cache, col 8 lines 57-67].

11. As per claim 10, Validya discloses a step of providing said instruction as programming that is compatible with JavaScript as inherent feature of Web server [see Shrader reference].

12. As per claim 11, Validya discloses a step of providing said network file to include at least one of text information, image information, audio information and video information [Validya, Internet 22, Fig 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 are rejected under 35 U.S.C. 103(a) as obvious over Validya [6,279,113 B1] in view of Anderson [6,442,600 B1].

13. As per claim 12, Validya discloses A method of counting a number of accesses for cachable documents comprising the steps of:

embedding executable code in each of a plurality of said cachable documents, said executable code being associated with triggering transmissions of (count-inducing) messages from clients [Validya, network objects includes applications and files , col 5 lines 47-67; instructions associated with file A, col 7 line 52-col 8 line 39; signature profiles, triggering, counter and notifies, col 8 lines 16-39];

sending said cachable documents to said clients in response to requests made by said clients [Validya, downloads network data, col 5 lines 47-67];

counting said accesses on a basis of receiving said count-inducing messages [Validya, a particular file has been accessed ten times in the past twenty minutes, col 9 lines 3-20].

However Validya does not explicitly detail receiving said count-inducing messages (i.e.: a message with indicator /URL) transmitted from said clients as responses to said executable code;

In the same endeavor, Anderson discloses method and system for storage and management of electronic messages wherein an indicator message sent to the recipient, the indicator can be accessed manually or automatically such as a URL [Anderson, a message corresponding to an indicator or URL, col 3 lines 47-col 4 line 24]

An Official Notice is taken that a network file/document/message contained an indicator or URL were well-known in the art [see Ouchi, Rothwell, Graham references]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the message with an indicator or URL as taught by Anderson into the Validya's apparatus in order to utilize the instructions message. Doing so would provide the capability of detecting intrusion attempts into system resources by monitoring for network distributions.

14. As per claim 13, Validya-Anderson disclose receiving said count-inducing messages includes receiving one of said count-inducing messages for each said

cachable document received by said clients [Validya, a register cache, col 7 lines 10-24].

15. As per claim 14, Validya-Anderson disclose a step of storing said cachable documents in Web proxies, said Web proxies being in communication with said clients and at least one originating server via the Internet, said Web proxies being configured to store said cachable documents that are downloaded from said originating server [Validya, Internet 22, Fig 1].

16. As per claim 15, Validya-Anderson disclose a step of implementing said executable code by browser software of said clients, such that said count-inducing messages are transmitted from said clients [Validya, Internet 22, Fig 1].

17. As per claim 16, Validya-Anderson disclose a step of providing a Universal Resource Locator (URL) of a processor in said executable code to enable transmitting of said count-inducing messages from said browser software to said processor, said processor being operationally associated with said originating server [Anderson, URL, col 3 lines 47-col 4 line 24].

18. As per claim 17, Validya-Anderson A system for tracking hits over the Internet comprising:

a store of plurality of network files, each of said network files having a command to initiate a transmission of an identifier from any of a plurality of clients upon a receipt of one of said network files by said clients [Validya, network objects includes applications and files , col 5 lines 47-67; instructions associated with file A, col 7 line 52- col 8 line 39; signature profiles, triggering, counter and notifies, col 8 lines 16-39];

programming accessible via of said client, said programming being configured to request said network files [Validya, a configuration generator 28, a configuration builder module 32, Fig 2]; and

a file access counter responsive to receiving said identifiers from clients as a basis for counting transfers of said network files to said clients.

19. As per claim 18, Validya-Anderson said command includes programmable code embedded within each said network file, said programmable code being configured to execute said transmissions of said identifiers upon said receipt of said network files by said client [Validya, a configuration generator 28, a configuration builder module 32, Fig 2].

20. As per claim 19, Validya-Anderson said programmable code includes an Internet address of said file access counter, said network files including World Wide Web pages [Validya, Internet 22, Fig 1].

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21. As per claim 20, Validya-Anderson said network files include cached copies of Internet files, said store of network files being a proxy Web server [Validya, Internet 22, Fig 1].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
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